

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO.383 OF 2000.

Dated the 12th April, 2000.

CORAM:

HON'BLE MR. A. V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K. Amanullah,  
Assistant Headmaster,  
Government High School, Kadamath. Applicant  
(By Advocate Shri. M. R. Rajendran Nair)

Vs.

1. The Director of Education,  
Union Territory of Lakshadweep,  
Kavararhi.
2. The Administrator, Union  
Territory of Lakshadweep,  
Kavarathi.
3. Union of India, represented  
by the Secretary to Government of  
India, Ministry of Home Affairs,  
New Delhi. Respondents  
(By Advocate Shri. P.R. Ramachandra Menon, ACGSC(rep))

(The application having been heard on 12th April, 2000  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The grievance of the applicant who is a Post Graduate working as Assistant Headmaster, Government High School, Kadamat is that though the Administration has amended the Recruitment Rules for the post of Assistant Headmaster, AEO etc. prescribing higher educational qualifications in the light of the recommendations made by the Chathopadhyaya Commission by order A1, the recruitment rules for the post of next higher post namely Headmaster High School having not been amended the persons who do not possess Post Graduation are being considered and promoted to that higher post. This, according to the applicant, is an anomaly. While he who possesses a Post Graduate qualification is not getting

...2/-

promotion, persons senior to him but who do not possess Post Graduate qualification would be eligible for promotion to the post of Headmaster, High school. Pointing out this anomalous situation the applicant has made three representations which have not been considered and disposed of by the competent authority. Under these circumstances, the applicant has filed this application for a declaration that the vacancy of Headmaster, High School, under the Lakshadweep Administration which arose after 12.8.1987 are liable to be filled up only from among Headmasters, Senior Basic School/Assistant Headmasters, High School/AEO (Academic), with Post Graduate qualification and direct the respondents to make promotions accordingly within a reasonable time.

2. We have perused the application and the annexures appended thereto and heard Shri M.R. Rajendran Nair for applicant. Shri Rajendran Nair argued that since Post Graduate qualification has been made necessary for promotion to the post of Assistant Headmaster or Headmaster, Basic School, inaction on the part of the Government to amend the recruitment rules for promotion to the post of Headmaster, High School which is a higher post prescribing the same Post Graduate qualification as the eligibility condition is unreasonable, arbitrary and opposed to the recommendations of the Chathopadhyaya Commission which has already been accepted by the Government. Shri Rajendran Nair argued that if the State is guilty of inaction, it is the duty of the Courts and Tribunals to issue directions to the Government to take action which is required as per law.

3. We have given anxious consideration to what is stated by the learned counsel for the applicant. Prescribing qualification for appointment or recruitment to various posts and cadre, lies within the province of the Government body. Just because the applicant possesses the Post Graduate

qualification, he has no cause of action to seek an amendment to the Recruitment Rules to make it compulsory that for promotion to the post of Headmaster, Post Graduate qualification should be prescribed. If the Government taking into consideration the job content, the experience of the existing officers and a variety of related facts and figures consider it necessary to amend the recruitment rules, we have no reason to think that they would not know it at the appropriate time. A person who is in the feeder category has no right to seek an amendment of the recruitment rules which would have the effect of making some of his seniors ineligible for promotion. Since even when he joined service, Post Graduate qualification was not necessary for promotion as Headmaster, High School, he cannot be considered as a person aggrieved by non-amendment of the Recruitment Rules. Further the relief as sought for in this application is an effect to give a direction to ignore the provisions of the statutory recruitment rules which do not provide for acquisition of Post Graduate qualification for promotion to the post of Headmaster, High School. Learned counsel for the applicant submitted that though the relief as sought for cannot be granted, it would be appropriate to give a direction to the respondents to consider and dispose of the three representations. We do not find any legitimate cause of action or grievance of the applicant that calls for consideration or adjudication. By not amending the Recruitment Rules no legal rights of the applicant has been affected so as to afford him a cause of action. If an anomaly has been created by issuing Annexure A1 in as much as for promotion to the higher post, Post Graduate qualification is not compulsory while it is compulsory for

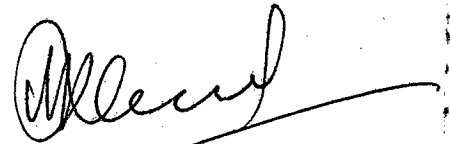
promotion as Assistant Headmaster, we have no doubt that the Government would have thought of that and would take appropriate decision at the appropriate time. We do not find any reason to entertain this application .

In the result, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 12th April 2000.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

rv

Annexure A1: True copy of the Notification F.No. 18/30/89-Edn.  
dated 25.1.1996 issued by the 2nd respondent.